

Notice of Allowability

Application No.

10/645,574

Applicant(s)

MCNULTY, EDWARD

Examiner

Carolyn T. Blake

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 9/30/2005.
2. ☒ The allowed claim(s) is/are 1-5, 7-13, 22 and 23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Everett Diederiks, Jr. (Reg. No. 33,323) on August 1, 2006.

The application has been amended as follows: Claims 14-19 have been deleted.

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance: The claims are allowable because the prior art fails to teach a cutting head system with a spring member extending within the head member, the centering element being retractably mounted within the head member, with the spring member biasing the centering element outward from the head member as set forth in claims 1 and 2, and a cutting element holder having a first edge portion detachably secured to the head member and a second edge portion defining a cutting blade receiving recess as set forth in claims 10 and 22.

Regarding claims 1 and 2, Koepfinger (3,062,299) discloses a cutting head system adapted to be rotated in order to trim around a head cover (48) having a head cap provided with a centering member (12/30) substantially as claimed, comprising: a head member (10) having a peripheral edge portion interconnected to a central hub (connection of arms/"webs" 54) through an intermediate web portion (54), said head

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member (10) being adapted to extend about a head cover (48); a cutting element (50) projecting from the peripheral edge portion of the head member (10); a drive shaft member (14) having a driven end portion extending to a driving end portion, said driving end portion being drivingly connected to the head member (10); a centering element housing (28) extending into the head member (10), said centering element housing (28) having a first end secured to the head member (10), a second end, and a hollow cylindrical main body portion extending there between; and a centering element (12/30) extending within the head member (10) and projecting beyond the cutting element (50), said centering element (12/30) being adapted to engage with the centering member of the head cap (48) to center the head member (10) about the head cover such that, upon application of a driving force to the driven end portion of the drive shaft (14), the head member rotates about the head cover (48) causing the cutting element to trim grass growing around the head cover (48); and a spring member (20). Koepfinger fails to disclose a spring member extending within the head member, said centering element being retractably mounted within the head member, with the spring member biasing the centering element outward from the head member.

Regarding claims 10 and 22, Koepfinger discloses a cutting head system substantially as claimed (see above), but fails to disclose a cutting element holder having a first edge portion detachably secured to the head member and a second edge portion defining a cutting blade receiving recess.

The above prior art by itself or in combination with the other prior art cited fails to teach the claimed invention set forth in claims 1, 2, 10, and 22.

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3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

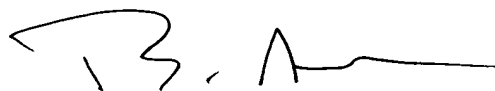
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CB

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August 1, 2006



**BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER**